

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Regular Meeting

March 25, 2009

Chairman Cathleen Hall called the regular meeting of the Newington Town Plan and Zoning Commission to order at 7:00 p.m. in Conference Room 3 at the Newington Town Hall, 131 Cedar Street, Newington, Connecticut

I. ROLL CALL

Commissioners Present

Commissioner Ganley
Chairman Hall
Commissioner Kornichuk
Commissioner Pane
Commissioner Pruett
Commissioner Schatz

Commissioners Absent

Commissioner Casasanta
Commissioner Niro

Staff Present

Ed Meehan, Town Planner

II. PUBLIC HEARINGS

- A. Petition 06-09 – Assessor Map 11-335, 00A East Cedar Street (North Side) 29 acre vacant parcel approximately 730' west of the intersection of East Cedar and Russell Road, Marcap Co., LLC, owner, Toll Brothers, Inc., 53 Church Hill Road, Newtown, CT 06460, applicant, represented by Attorney Thomas J. Regan, Brown Rudnick, LLP, 185 Asylum Street, 38th Floor, Hartford, CT 06103-3402 request for zone map amendment CD Commercial Development District to R-12, Residential District.**

Attorney Regan: For the record, my name is Tom Regan, I'm an attorney with the law firm of Brown Rudnick, LLP, 185 Asylum Street, Hartford Connecticut, 06103. I'm here tonight on behalf of the applicant, Toll Brothers, and Mr. Meehan is in possession of a letter that I have given him earlier requesting that we continue this matter until the April 7th meeting. We had some due diligence matters that are outside our control with a third party that we have not been able to complete. We don't want to begin our presentation until we are sure of those issues. We have, with the town's help been able to secure the necessary meeting for next week to do that, so we'd like to have two weeks to clear that up and then come back on the 7th and start if that would be okay with the Commission.

Chairman Hall: Ed?

Ed Meehan: I would recommend that you continue the hearing, we will re-advertise it and re-notify abutters and any material that is in the file will be available to members of the public and the applicant between now and the 7th, so that they can become familiar with it and start the

process with public input and presentation on the 7th of April, which is a Tuesday. It's not a Wednesday, it's a Tuesday, because of the Jewish holidays, Passover, so if the public is here, just remember, it's a Tuesday night.

Attorney Regan: And we have, per our letter that we gave Mr. Meehan, we will pay for any cost of the notice that occurs as a result of asking for the continuance.

Chairman Hall: Questions, comments from the Commissioners at this time. Just make sure that the sign stays up.....

Attorney Regan: The sign will remain up, and we will verify that it is there and hasn't blown away.

Chairman Hall: Exactly, lately, some wind and rain can wreck havoc with those.

Attorney Regan: Thank you.

Chairman Hall: We will continue this until the 7th of April which is a Tuesday evening, not a Wednesday.

III. PUBLIC PARTICIPATION (relative to items not listed on the Agenda-each speaker limited to two minutes)

None.

IV. MINUTES

March 11, 2009 – Regular Meeting

Commissioner Pruett moved to accept the minutes of the March 11, 2009 Regular Meeting. The motion was seconded by Commissioner Kornichuk. The vote was unanimously in favor of the motion with six voting YES.

V. COMMUNICATIONS AND REPORTS

None.

VI. NEW BUSINESS

A. Plan of Conservation and Development – Discussion of Conditions and Trends, Planimetrics Consultants, 31 Ensign Drive, Avon, CT 06001, attention: Glen Chalder, President.

Ed Meehan: We have with you this evening, Glenn Chalder who is president of Planimetrics, the Commission's consultant who has been engaged to assist with the preparation of the Plan of Conservation and Development. Mailed with the agenda package was a Conditions and Trends report for housing, economic development and demographic population information, so Glenn is here to present an overview of that and discuss options for an outline of the Plan as you move forward, and just to introduce himself, you haven't met him. We've seen his work, so this is the kick off of metal to the peddle effort between now and June to get this in draft form.

Glenn Chalder: I'm going to try to set a record here. Good evening members of the Commission, I'm Glenn Chalder, from Planimetrics. I'm delighted to have a chance to work with you and Ed

over the next couple of months in terms of completing the efforts so far on the Plan and Conservation and Development and working with Ed to supplement the efforts of the Commission. I think there are two things we would like to try to accomplish tonight if we could, without taking up too much of your meeting. The first task that we were asked to put together was an overview of the conditions and trends affecting Newington, so hopefully the Commission has had a chance to see this and look at it, I'll give you an overview of the material. I guess the second thing we would like to do is to talk a little bit about the possible organization of the Plan. If we think of the organization as sort of a basic kind of skeleton of the different pieces of the Plan, we'll get some sense from the Commission as to how you would like to proceed with the Plan and then the work that Ed and I will be doing over the next 30, 60, 90, days will all fall within that overall organization. I think it will kind of make some sense. Then, while I'm here tonight, if you have any questions or comments about plans or anything else, anything I can help you with, or whatever, tonight would be a good night to do that. Does that sound like a reasonable approach here tonight?

First thing I would like to do is go through the overall Conditions and Trends booklet. The value of a booklet like this, it gives us all a solid foundation to build on in terms of the types of conditions and trends that are affecting Newington, not only a history of what has happened to bring Newington to where it is today, but also what we can expect over the next ten to twenty years because any sort of planning document needs to look out, well into the future and understand what type of a community we are going to be because that really in a sense is what we are planning for.

So the first two pages in the booklet are sort of an overview of population growth in Newington, historically. As you can see, the community grew very significantly following World War II, and that growth trend is pretty hard to sustain, and in fact the population projections indicate that really from the last ten years to the next ten or twenty or thirty years, the population growth will not be as strong, it may be stable and in fact, depending on what happens demographically there might be some decline. Now decline, when we use the word that way is not a negative thing, as we have a community that people have moved to in the past, and lived here for some time, households naturally, at some point in time get smaller. Whose household today is smaller than it was ten years ago? I'm one, and I'm sure that there are others. So you take that, by the ten thousand housing units in Newington, it's no surprise, if you will, that population changes will happen. We don't have the same amount of new growth that some communities have in terms of housing units so as a result, small demographic changes in each one can have an impact on Newington, overall. So the interesting thing here is the population growth and dynamics really show that in-migration was the major growth of Newington in the fifties and sixties, it started slowing down in the seventies and the eighties and nineties were significantly less.

As you look at pages four and five of the booklet, I think the most interesting thing for us to think about for Newington overall is what is going to happen in terms of the age composition of the community? You have probably heard the phrase used, the baby boom, and the baby boomers are basically people born between 1945 and 1965, so if we look back to like, 1970 those people were the, I'm looking the chart on the bottom of page 5, for those in the audience who are following along.....

Ed Meehan: Want to put that up in front so people can see it?

Glenn Chalder: That would be, I was trying to figure out what was the best place....

Ed Meehan: That way the audience can see it, I'll set this up for you.

Glenn Chalder: So the chart on the bottom of page five in the booklet, the blue line reflects people who were under age thirty in 1960, and what we see in 1970 is that age group peaked, that was the baby boom and really, when you start thinking about the dynamics of Newington, it was dominated at that time by families with young children in terms of its thinking. As we look

ahead, by the year 2000 the baby boom, representing this bubble, which you see in the magenta line, those are people age 30 to 59 and as we think ahead thirty years in the future, those baby boomers again are now going to be over the age of sixty, so what we are having in our community is successive waves if you will, of people of different ages. So while Newington in 1970 and the year 2000 was dominated, or thinking might have been affected by families with young children or young families, thirty years from now it's quite possible that the largest demographic group in Newington is going to be people over the age of sixty. So it's not going to be any community that we have experienced before. So some of the things that we need to start thinking about is not necessarily the focus of the past in terms of recreation fields or school enrollments, but it could be things like greenway trails, senior citizen activities and passive recreational type things.

So the first thing I would like to have you think about as part of this planning effort is that the Newington of the future is going to be different than the past, and in fact one of the most interesting things that is going to happen is the changing age demographics or age composition of the community overall.

The other interesting thing that we found looking at the data is the charts on page 6. Now what we do here to create these charts, we actually look at the age composition of Newington in one census year, we look at it ten years later, so someone who was age ten in the first year, would be age twenty in the second year, and we look at those two age profiles and subtract them from each other. What that does it tell us, who moved in, and who moved out from Newington in the preceding ten years. So what we are seeing in the pattern here which is in a chart on page six is the columns above the line are people who moved in, columns below the line are people who moved out. We have in migration of younger families and adults with young children, we have out migration of people in their twenties and thirties, people going away to college, perhaps their first job may not be in Newington, whatever coming back and then out migration from age, net out migration from age fifty on. So even though in the future, we're going to have significant numbers of people getting older or aging in Newington, we're still going to have net out migration in that age group.

So the pattern in Newington in a sense is also a pattern of in migration of young families with school age children because of our housing stock, affordability and benefits and amenities that we offer, and then possibly trade up, or move on, for people later on in their life stages.

So those are some of the major demographic factors that we see going on in terms of people and our population might be in the future. Any questions or thoughts or comments in terms of population information?

Ed Meehan: I'd like to jump in and just, this is important because somewhat classic, I think Glenn has given you a good snapshot of it, older households, older population, older housing stock, we haven't gotten there yet, but we'll talk about that, and less land to develop. It means we are not going to have new homes built like we have had subdivisions in the seventies and eighties and so what that may mean, as we look at this plan, is some strategies and policies about how to accommodate that older housing stock, making sure the quality of the housing stock, its physical characteristics, now that it is going on, forty, fifty years old, maintains its quality and as families cycle through it, the public amenities that support that, streets and parks and sidewalks are well maintained. It was modest to begin with when it was built in the fifties and sixties, it's now going on sixty-five, seventy years old. So that is an important strategy to talk about when we get there.

Glenn Chalder: The last little fact that I would like to throw out at you is on the top of page seven. Interesting things, about sixty-three per cent, roughly two thirds of the households in Newington have one or two residents in them. So we always hear the story about a family with, you know, a married couple with children, dogs, everything else, in Newington, and actually many other communities in Connecticut that's not really the case. So what we have is only a little more than three out of eight households have more than two people living in them. So again, this is an

indication of the aging population, getting smaller and our housing units having fewer people living in them.

The next thing I want to give you an overview on is the housing stock and the housing situation. What we have here overall in Newington is a very diverse housing stock. We have worked with Ed to get some information on the year that the houses were built, the location of houses, of different prices, etc.....

Ed Meehan: These are easier read if they are passed around, and we'll pass them around for Commission members and the public are welcome to look at this. Age and cost ranges are what Glenn is talking about.

Glenn Chalder: What we have put together here is this chart right here, which shows the estimated housing values of all the houses in Newington and what we actually see here is a very good diversity of housing and housing which is qualified or clustered in a range which is affordable, generally affordable given the medium income, not only for Newington, but also for the region that we are in. We will talk about this a little bit later, but as you know, this concern as you will, about housing affordability and how the state keeps track of data and information, we don't get credit for having a lot of housing units that are affordable under the state criteria, but we do have a lot of naturally affordable housing units overall which I think serves Newington well. We do expect some housing growth to continue in town, we do expect to have, for some of the current existing vacant parcels of land in town, additional development will occur because they are residentially zoned and there is the potential for redevelopment of some existing parcels. Perhaps subdivided, combined, excuse me, redeveloped as multi family or just different subdivisions, etc. We do expect to have an opportunity to keep our housing stock up to date, but we think one of the key housing strategies for us to continue or to consider in the future would how to encourage the redevelopment, maintenance and improvements of the existing housing stock that we have, because as we pointed out earlier, a number of our housing units are twenty to fifty years old, I think more than half of our housing stock, or about half of our housing stock is twenty to fifty years old.

If you see the charts on page 10, there was quite a run off of housing prices during about the year 2006. We all know what has happened since that time but again the overall housing mix in Newington is diverse.

In terms of housing affordability because of the run up that occurred in housing prices, there are some indications that during the mid-2000's there were housing units that were, or housing stock in Newington wasn't as affordable as it used to be and there were a number of people paying more than thirty percent of their income for housing, but again, affordability has improved since that time. So again, I think that the key issues for us here in the future in terms of our housing stock, is to make sure that we have good programs in place to support the housing stock that we've got, to allow those to improve and adapt to the issues and concerns that people face to continue to meet the housing needs of the population. Any questions in terms of the housing data or other information?

The next section to talk about is the economy section. This is on pages twelve and thirteen of your booklet. Newington has had significant job growth over the years. On the top of page thirteen we have a chart that shows the total non-agricultural employment in Newington from the sixties with about eight thousand people, it's more than doubled over time to about seventeen to eighteen thousand jobs in the years since 2000. The most interesting thing is there has been a significant change in the composition of employment, so the history of Newington was for many jobs that were goods producing, manufacturing related, and what has happened certainly since the 1980's is a significant increase in service employment in Newington. So the nature of our industrial parks and business parks and other things like that has changed, and it's not just Newington, it's other communities in Connecticut. Manufacturing jobs are harder for us to keep, the competition from other places, and this is again something for us to be aware of.

Where Newington workers work, excuse me, where Newington workers live and where Newington residents work has become more diffuse over time, people are traveling further to find the type of employment that they want, the job mix is changing in Newington in terms of the jobs that we have here, and the jobs that our residents have. So again, Newington is an integral part of the regional economy, very diverse, but it is changing.

This chart illustrates the change, total employment growth from 1960 on, stayed fairly quiet recently, but what we have here is a significant increase in service employment and goods producing employment manufacturing has stayed fairly flat overall.

The bottom of this chart, which is at the back of the book has some information about fiscal revenues and expenditures for Newington. Newington spends less on a per capita basis than other communities in Connecticut, or the average Connecticut community. The interesting thing in terms of our revenue stream, we do not get the same level of state aid that other communities get so as a result we have to raise more from taxes. Our equalized tax base is actually lower than the state average and so as a result our mill rate needs to be a little bit higher and this is one of the reasons that economic development is such an important concept in Newington in terms of moderating or minimizing the impact of taxes on home owners and property owners. Any questions in terms of the information on economic or fiscal information or anything else?

Ed Meehan: There is one term that we don't see very often, particularly in suburban communities where Newington is a jobs exporting. Our economic base, we have more jobs available in Newington than the size of our labor force, so people are coming into Newington to work, which is somewhat unusual for a suburban community. The other thing that Glenn mentioned the shift from producing durable goods, manufacturing to service, particularly some service sector jobs, your incomes are not going to be as high as some of the other job sectors. So, we see that just in our land use patterns, with the number of jobs up and down the Berlin Turnpike in the retail establishments. So if your income is not as high, it's going to affect the whole economy, cash flow, through all of the goods and services in the community.

Glenn Chalder: You know what is significant in this pattern too is the impact that it has on traffic. In the year 1990, about 4,000 Newington residents worked in Newington, so for them the commute was short and they didn't have a big impact. That number dropped by the year 2000, about 2800 people. So as a result, there were more people commuting into Newington and those people were now commuting out, so what we end up with is more traffic impact on our roads as a result of this cross communications going on where people's job locations are. So historically one of the things that is interesting about Newington's history is the street cars, and the other thing, you know, it was a smaller community, it was more walking oriented, and jobs were local and really what's happened with the automobile and everything else, through the 1990's, jobs became much more distant and people were willing to travel for those. So that is really the interesting thing that also has an impact as well.

I'd like to turn your attention to land use and zoning at this point in time. The town has an excellent GIS system, they have a whole bunch of data. We have the ability to produce these maps in terms of market value and your structure built very quickly based on your data. Ed has been maintaining the land use information for Newington, so the map that is in your report on page 15 gives you an indication of the types of ranges in the community. By land use we mean what the land is being used for today, and use is a kind of general term, so if it's colored yellow, it's generally residential, and it has for example a single family house on it, it could be two family but generally two family would be in the orangey color, or multi-family developments would also be in the orangey color. Business and industrial and commercial would be the red and purple colors, open space would be the green, community facilities would be the blue, institutional would be the blue, utilities would be gray, and vacant land is white. Now vacant land is land which is easily seen as potentially developable in the future, unless it has significant natural resource restraints, and some of these parcels as you can see from the map actually do. These are the parcels which have the most potential for development in the future. So if Newington wasn't as

developed as it is, these would be the areas where we would expect to see the most activity in the future. It's possible that we will see in Newington activity on these sites and also on redevelopment of some of the other sites that exist here in the community. But the value of this map is to start to give you a sense about what areas or neighborhoods of town, what the properties are used for, and how it all contributes to the fabric or pattern that makes Newington the type of community that it is today. Now what we found, overall, is that Newington is about ninety-one percent developed. By developed what we mean here is that the land is committed to a use for a purpose today. It may or may not continue to be devoted to that purpose in the future, because residential may convert to business or industrial, or the other way around, but we also treat open space land as developer committed. We call it committed. The land has been set aside for an open space type use at the present time. So overall we found about 790 acres of land potentially available for development in the future and right now it's roughly evenly split, 392 residential, 395 non-residential, so that is the land area that we see potentially available in the future. Any observations, comments, surprises? Any questions on either land use or the zoning map which is on page 17.

Ed Meehan: Typically on land use, as Glenn mentioned you look at this, you can read the white areas pretty readily and I think that some of the Commission members because you know the town well, probably know these parcels, you see them every day. There are only one or two that since the GIS was done need to be cleaned up, but for the purpose of this exercise it's not necessary to get down to every single little piece. This gives you the real theme, or trend of what we see here in town, and we have been talking about this for a couple of years, is, if you overlay some of our environmental limitation maps, flood plain, wetlands on this, particularly over near Cedar Street where you have the future busway and the Amtrack line, that big triangle area coming together, you know that is all the Piper Brook wetlands system. So there are some areas that look vacant here but as Glenn is saying, the limitations for development would dictate that it be prudent to set them aside for open space. It just doesn't make sense to try to force development on some of these.

The only thing I would also comment on this map, it's in blue, institutional, over on the west side of town, south of Cedar Street, that big chunk of blue area which is owned by Central Connecticut University. CCSU acquired that, it's left over I291 property. We've talked about this a little bit, a lot of this parcel has environmental limitations because again of the wetlands and the flood plain system but it's something that we want to talk about as we go through this plan, as to what Central anticipates using that property for. Put this in the back of your mind for now, because that is going to be significant for the western side of Newington, economically and traffic-wise and everything else.

Glenn Chalder: Any other questions from the booklet? Any questions about the planning in general or the process that we are going to be going through for the next sixty to ninety days?

Chairman Hall: I don't have a question, but I do have a comment, I found this to be a very interesting pamphlet and since I live about the first half of the book on a daily basis I was amazed that people are just able, from outside sources to put it all down here and get it right.

Glenn Chalder: Thank you.

Ed Meehan: This is very succinct and clean. I think this is what the Commission was looking for to set the ground work for the plan as we go forward, having this as sort of the background of some of the issues that we need to deal with going forward for the next ten years, and Glenn mentioned a couple that were very significant, the aging population, the diminishing land supply, older housing stock, the feeling that we do have an affordable housing stock because of the way it was constructed, the age of the housing stock. Unfortunately we don't get I don't think enough credit for that because we don't meet some of the state criteria as far as deed restriction or CHFA

funding, but that has a flip side to it also. It means we have to pay more attention to housing stock maintenance, the small city housing rehab programs or good code enforcement. Again, these could be strategies in your plan. Those are some of the observations that I take away from this. Given the maturity of our community, the fact that we are not a large geographic area, we don't need to beat to death this data. I think as Commission members you have a good sense of some of these issues. We need to move with this data forward and talk about some policies and strategies, future land use and implementation tools, so this is not going to be a thesis document to crunch numbers, I think we have enough right here. That segways to what Glenn and I talked about a couple of days ago, and maybe you are going to go through this next, how do you want to structure the Plan.

Glenn Chalder: Just to give you an overview of the direction that Ed and I have talked about...

Chairman Hall: Excuse me, Tom has a question.

Commissioner Ganley: This is on the issue of affordable housing. We're tasked with trying to develop as best we can affordable housing for the Town of Newington. Precisely how we do it and the mechanics, we haven't come up with the exact how we are going to do that, or where it should be placed, or what it should look like. But none the less, we are looking to see if we could incorporate it into our housing plan. Some of the ideas include housing that is more dense, cluster housing, some apartments and so on, it seems that if that is the case, and ultimately we achieve that particular goal, one way or the other, that may slow down or at least tilt somewhat the balance between the younger and older families because it appears looking for that kind of housing are those with a couple of children that want to get into a house someplace. They see Newington as an opportunity because we have built some and it may be relatively close to where they work, so that may, as I say, slow down or maybe stop somewhat the aging population because some of the newer families are working in. That's something we are going to have to look at. The other issue you talked about is the importing of the work force into Newington and Ed had commented about the development along the turnpike. We don't know this, but there must be some correlation between who they are and where they go with their cash after they earn it here in town, so I don't know if we are getting any benefit of those particular wage earners that are in the restaurants and the big box stores out on the turnpike. I think there may be some relevance because we may be accommodating the work force but not getting the benefit of the cash. I suspect very few if any live here in town.

Glenn Chalder: I think you are absolutely right. I think there are a couple of different things going on. First of all we found, on the top of page 12, we talked about the fact that the typical retail sales in Connecticut on a per capita basis is about \$12,000. But in Newington we are getting retail sales occurring in town of about \$18,000. Now that doesn't mean that Newington residents are spending fifty percent more than the state average. What it does mean is that the stores here are capturing that much more, so I think that is an indication that Newington is a retail power house within the region and we all know that some of the major retail facilities along the Berlin Turnpike attracted people, they come here to go shopping on a regular basis. The other interesting thing is with the job change that has occurred over the last twenty years, let's take the 1990's for example, and the change that occurred. The number of Newington residents working in town dropped from about 4100 to about 2100, over a ten year period. But what we also had over that time was a decrease in the types of jobs that Newington residents have. We became more service oriented jobs, so those Newington workers, Newington residents traveled to other places because they were a better skill set if you will, than some of the jobs that were available. Now what you see is the major growth that occurred in terms of growth, Bristol, Southington, Manchester and New Britain were the major places where there were employees now coming to Newington that had not been here ten years earlier. So what we have is a socio-economic strata in terms of jobs, and Newington residents are traveling other places and not working at some of

the businesses in town because they were more service oriented business, and their skill set was better, higher or different than what the jobs were.

Commissioner Ganley: Would those be the same people who are now in that demographic movement upward in terms of age? Many have retired and moved away. Took their skills elsewhere and the job went with them, that class of people with the skills retired at about the same time the kind of jobs that would have been offered have just about disappeared, so they have been supplanted with these other kind of jobs that require less skill and thus are not paying as much.

Glenn Chalder: I'd have to think that one through, I think I would fall back on the theme that Ed talked about before, that what we have here is a situation that we shouldn't get too, too caught up in the numbers. The reason that we call this report conditions and trends is because there are basic trends that you should walk away from this booklet with an understanding of. We are nine years away from the last census, one year away from the next census, and about two or three years away from when those results are going to be reported, so we are flying a little bit blind right now in terms of exactly what that data is going to show and trying to draw our best indications of what the trends are. It's really those trends that you should carry with you from tonight's meeting and I think as Ed points out would be carried forward in the plan. We believe that Newington in the future is likely to be an older community than it is today so we need to start thinking about ways to address that. We don't have to go to the nth degree, but the trends could be important.

Ed Meehan: One of the interesting things about these numbers, and I don't mean to digress but there's been conversations around the region about regional tax sharing and you know, how communities, again, it's another revenue stream for the State but it's also a revenue stream for municipalities. Because, as Glenn said, \$18,000 per capita being spent in Newington, we're a regional market, but with that comes the services and the traffic and some places are saying, if you are going to, this idea of smart growth and concentrating growth in certain areas, if you are going to take on that growth, the burden of services and traffic, then you ought to get some of the gravy from it. These numbers indicate that we are getting a lot of the taxes from the region, sales taxes are coming from communities like Newington that have a very high retail sales margin compared to their neighbors. So if we ever implemented regional tax sharing, we might get some money, but I wouldn't hold your breath for that to happen.

Glenn Chalder: I think what Ed and I have talked about is our program for our next 30, 60, 90 days to start working on different parts and elements of the plan. I have read the Commission's minutes and the work sessions that you have had with Ed in terms of the plan, I have a sense of the direction I think the Commission wants to go in terms of a strategic document which really outlines or clearly states what our expectations are for the future. So Ed and I have started to put together a program that based on our experience working in a number of communities in Connecticut, we'll provide assistance meeting with local, staff people and others to put together information, come back to the Commission. Our next major delivery date is about sixty days away in terms of providing you with a more fleshed out content.

The first question that I had really in a sense for Ed was, Ed, what do you think is the most compelling way to present the recommendations of the Plan. How would we best describe to Newington residents and other people what our vision is for the future of the community? What would be the way to state that most clearly? So we talked about, in the first column in the handout that you have here, is in a sense, the 1995 Plan. The 1995 Plan had an introduction to it, it had some background information, and then it laid out some policy strategy in terms of the environment and open space, economic development, housing development, community facilities, transportation and then it had town center design, excuse me, future land use and town center design as the concluding elements. Now, going through your minutes and the discussions

that Ed has had and the work that Ed has been working on, one of the concepts that we had that might work, and this is why we call it the 2009 concept, is to carry through some of the beginning elements that we had on the prior plan, but the major themes that we think could be emerging here for organizational plan, Ed is calling it environmental quality, another one of economic stability, development, housing quality and value, we have to figure out ways to get community facilities and transportation into that, and accounts that would also fall within the economic stability and the future land use plan as being one option.

I suggested to Ed that we have had some success with communities and with residents and Commissions with the planning model which again carries through the basic foundation elements at the very beginning, but the plan would be organized around the concepts of the things in Newington that we think are important to protect, as being the first element. These are things like natural resources, open space, greenways, and ridgelines and other things like that. The next major strategic element may be how we want to grow in the community, what we want to do about our town center, how do we want to guide residential or business development for a program, or meet housing needs and then the third major element might be the types of services or facilities that we need or want in Newington to meet the community's needs in the future, as those could include things like community facilities, transportation, or utilities.

The most important thing about the plan is that it reflect your thoughts in terms of how to organize concepts to make them useful or compelling. We are not asking you today to make a decision if you will about the future of this plan and exactly how we would go to press or anything else, but to give us a sense of how we might prepare work, product or elements for you over the next 30, 60, 90 days and bring back to you in a way that would help you characterize and feel comfortable. Do you have any thoughts on these different organizations, does any one of them make more sense than the other? Are you comfortable with.....

Commissioner Kornichuk: I'm more comfortable with, I favor the possible alternatives. I think the public would be more inclined to, I don't want to use the word appreciate, but I will anyway, you know, like you have in green, what we want to protect, I think that will draw the public to what our ideas are rather than, environmental qualities. Or, how we want to grow, rather than your economic stability and development. I think this, the last part, would make it easier for the public to understand what our goals would be. That's all I want to say.

Chairman Hall: I tend to agree with that. It seems to be a little bit more compartmentalized yet focused in certain areas. I tend to like that a little bit better, plus, anytime you use the word "we" it immediately draws in people from the outside, whether they are or are not a part of the process. We want them to be.

Ed Meehan: Those are good comments because this, the sense that Glenn and I have and I think to repeat myself, we want this to be succinct and clean and easily used. We will do focus groups with some of the town staff, the operational staff, highway, police, fire at my level to get their input, library of course. We do want when we get this ready to put out for public hearing we want to bring it to other boards and commissions and the general public, so it has to be a simple document that they can pick up and understand.

Chairman Hall: If it is structured this way, I think we are going to be fine.

Ed Meehan: I think this is on the right track, you know, I tend to agree with the comments, that third column has the attributes I think that can get the message across.

Glenn Chalder: I think again, for the work that Ed has already done, with town staff when we start to organize it in this way for the Commissions opportunity to review it, it's been our experience that, okay, these are the things that we want to protect, that's sort of one mindset; this is how we want to grow, that's a different one, and the types of services or facilities that we need to support

the community that we want to be, there are kind of three separate dialogues but they all weave together. When you approach them in that way I think it's more helpful for the Commission, more productive for the Commission, and the community I think will hopefully understand it better, so if that's okay with you, we'll proceed on this basis. We'll prepare information for you to review on this basis, and then if later on you decide that maybe there is a different organization that you think might work, we can certainly go ahead and take a look at doing that.

Chairman Hall: Do we have a consensus around the table to this effect.

Commissioner Schatz: I have one question, like we have the DOT building, we've got the VA, they're not really taxpayers.....

Ed Meehan: Well the state facilities we get PILOT, payment in lieu of taxes, VA we do not.

Commissioner Schatz: So do we know how many acres of land that takes up?

Ed Meehan: We could find that for you, it's not.....

Commissioner Schatz: I understand that, but there's a point to it that we have, CCSU has that land across the tracks, I mean, we're talking something in the future, but we don't know what their future is, so is there a way, if they don't come forward and do something, can we petition the state to take that land back?

Ed Meehan: Well, they are moving forward, they have a twenty-five year east campus plan, actually up on their web page, at least the concept of it.

Commissioner Schatz: So that would fit.

Ed Meehan: So that's their vision for that property. The issue is how much private sector facilities, or square footage might they be able to put into a location like that, because that is taxable. We've had conversations with Central about other locations in town, and we don't get one hundred percent payment in lieu of taxes, the state never pays that, but on the other hand the number of students or faculty could be an advantage, a catalyst to economic uses around the campus area, to the retail services and stores near Central to have more people spending dollars, so it might be a trade off, but I don't think Central is going to give up that land. I would be surprised.

Commissioner Ganley: When I sat on the subcommittee which dealt with the busway, Central had come in with a plan to utilize the busway as part of their overall plan, so there is on file, it's probably here, I have some stuff at home I'm certain of that which shows a conceptual plan of what Central Connecticut wants to do in terms of the dormitories, actually a hotel as I recollect and a few other odds and ends, so they have a full scale conceptual plan in existence today as to what they want to do with the property so it's not likely that they will give it up. It's a long term plan.

Ed Meehan: But with land use goes grand list growth. I mean, if we were a private corporation, that would be our capital asset is our land use and how we use it. It doesn't mean you pave this town wall to wall, because you have to recognize the attributes of the community and the quality of it, but you have to be cognizant of that. That pays the bills.

Commissioner Schatz: Now, the busway is still on the drawing board? I read an article the other day where they thought they might change it to rail.

Ed Meehan: Well, there are different, I think it's moving forward. We will be down at ConnDot on the 31st with Deputy Commissioner Martin and I've been talking with some of ConnDot's consultants about station area design, so they are beyond thirty percent design build right now.

Commissioner Schatz: That's good.

Ed Meehan: It's good for Newington. You know, if people ride it, it's very good. It's an opportunity, we talked about that before. That and the rail, opportunities.

Chairman Hall: Anybody else have a question?

Commissioner Pruet: It's just a nice progression, from the plan to the concept to what Glenn put together here, it kind of paraphrases what we are trying to do, it's more concise, and I like concise.

Chairman Hall: Okay, if that's it, we thank you for your time and your explanation, it does help us out quite a bit.

Glenn Chalder: We'll see you in 30 to 60 days.

Ed Meehan: Can I just comment to the public who have been sitting through this, we don't have a lot of these documents, but I can make black and white copies for anybody who wants these, just let me know and I'll run these copies. It's draft informational, but if it's peaked your curiosity at all, we'll make copies for you.

VII. OLD BUSINESS

A. Hunter Development Company, LLC – Shoppes at East Cedar Street, request for amendments to joint motion and stipulation for approval of Settlement Agreement, May 14, 2007, Michael Friesbie, P.O. Box 366, East Long Meadow, MA 01028.

Michael Friesbie: Good evening, for the record my name is Michael Friesbie, I'm with Hunter Development Company, although after that presentation, we should change the project into an assisted living facility based on the demographics of the Town of Newington, but on a more serious note, thank you for having me back. I'm sorry I missed the meeting in February, my son was ill. It looked like we were moving in a certain direction and I wish I could have been here to answer any questions that the board might have had. We are here tonight to talk about the amendment to the settlement agreement that we have in place with the Town of Newington. I'll spare you the details of the plan, but as it was proposed, for the benefit of the audience and board members that weren't here, is that we were going to do a phased development. Phase One being the gas station, convenience store and 9,000 square feet of retail with the infrastructure in place for Phase Two which would be the bank and restaurant, and then eventually Phase Three. Just for the benefit of the board, we have a hotel project in place, but the hotel franchisee has had trouble as many people have in this tight economic time in getting funding for their project. As the original settlement agreement was proposed that everything would go in or a certain level of finish would be for everything in order for us to get a Certificate of Occupancy for the gas station. I wasn't privy to the minutes of the last meeting so if there are any questions or comments that I can answer I certainly would be happy to do that now.

Chairman Hall: Does anyone have any questions?

Commissioner Schatz; I, this is just a personal overview, I just don't want to wind up with a gas station and nothing else. We want to see that land developed, that's for sure, but I want to make sure that I feel good about it, that the rest is going to be taken care of on a timely basis.

Michael Friesbie: The way that we set it up is that the 9,000 square feet of retail needed to be completed in order for us to get a Certificate of Occupancy for the gas station, as well as the other infrastructure which would allow for us to move right in and build those buildings. So the drainage and the landscaping and all that part is part of the infrastructure that I spoke about being there on site which would lend itself to an attractive area for the next person to come in so that we could continue to move forward on the project. Quite frankly, we have been sitting on this property for a long period of time and every month the thousands of dollars it costs us to do that, the window is closing for us to move forward with the project. So hence the reason that I am before you. In a perfect world the hotel would be going in, we'd be building everything at the same time, and it would be a first class development for the Town of Newington. Right now we just need a little bit of relief so that we can move forward with the project, number one, that I can move forward with the project as the landowner and number two, we can attract something out there. It's been out there basically marketed for two plus years as an approved plan, that whoever may have an interest is saying, well, nothing is happening. You know, I've got a project down the road that I can build tomorrow, where we don't have that right now.

Chairman Hall: Questions, comments?

Commissioner Ganley: Only because I read the copy, if you wouldn't mind terribly, as it relates to the hotel, the original settlement wanted to do certain things with that particular parcel right there, which amounted to what?

Ed Meehan: It amounted to getting the site ready which is putting the utilities in, grading it, putting the retention area in, called retention area four, and having the footings and foundation installed, in place and the building permit for the balance of the hotel paid. Then the c.o. for the gas station would be issued, that was the sequence that the settlement agreement sets forth.

Commissioner Ganley: And the modification is what?

Ed Meehan: The modification is.....

Commissioner Ganley: As it relates to the hotel.

Ed Meehan: That it is done in phase three, it's not, there is no stipulation that the hotel has to be anywhere in the development process relative to a c.o. for the gas station. As Mr. Friesbie said, the only building in the multiple use project would be the retail would have to be completed through its roof, would have to have a roof on it. That was done, and then, other components of the site, the grading, the utilities, binder course, basically the pad sites are built but not occupied yet, are ready to go.

Commissioner Ganley: Of which buildings, the pad sites?

Ed Meehan: The proposed bank, the proposed restaurant. I understand that you didn't feel that you could do anything with the hotel site as far as upgrading and stabilization. That would be a separate entity that would do that?

Michael Fiiesbie: Well, under our current agreement we had a hotel group that would purchase the hotel piece as part of a commercial condominium and under our agreement, it would be their

responsibility to make those improvements on that site. The other thought was that we would leave it more in its natural state because of the issues with the erosion control which is one of the comments that we will have for the Conservation Commission. We wanted to see what would happen at this meeting first.

Ed Meehan: I had prepared a, guess we could call it more detailed critique on how I saw the three phases being nailed down. I discussed it with the Town Engineer from more of a construction approach and that's what I offered to the Commission back on February 4th, and we talked about it that evening.

Michael Friesbie: We were in agreement with that.

Ed Meehan: Yeah, except for the hotel area.

Michael Friesbie: The hotel piece being a certain level of finish.

Ed Meehan: The other thing I have, you know, there would have to be some, well, first the Commission has to decide if they want to change the sequence, that is the major question. Then relative to that is the off site traffic improvements, pursuant to the State Traffic Commission are moving forward and are going to be discussed with STC staff by myself and the Town Engineer in the near future. You are almost at your thirty days, they are getting ready to put you on the agenda I believe, for STC. Then, the whole appearance of this site as you come in off of the Berlin Turnpike. One of the things that I suggested, putting the hotel area aside, that corner site, but the whole frontage along the corner and East Cedar Street should be, in my opinion, stabilized and landscaped. It doesn't have to be pursuant to the landscape plan here, but should have some presentation value to it so that people going by understand that this is a development site with opportunities for new tenants. It can't be all chewed up. That was in the list of items that I had put forth with some bonding to cover that and so forth. The big question is, is the Commission at the point where the request of Mr. Friesbie to change the order, eliminate the hotel is something that you want to pursue at this time. That's a call for you to make and beyond this board, we have to talk to Ben Ancona, the Town Attorney and bring it back to Superior Court because it was ratified by them. Those may be just procedural things once the court knows that the two parties are in agreement, that's just getting in front of Judge Levine and having him sign the revised agreement, I guess. Ben can tell you better than I can. So it's really your decision point right now.

Commissioner Pruet: That seems like a nice compromise, one our interests are protected with a better approach to that property, more attractive to potential users and it also helps Mr. Friesbie out with not a complete commitment to go to Phase Three. I think we are looking for some kind of, we all want that gateway to Newington to be attractive and successful, good revenue generation, I think it would be a plus plus for that, so I think that compromise seems to work, in my opinion. We're protected, and it's attractive for future use.

Commissioner Ganley: I think it's substantially correct, I just want to clarify in my mind, what compromise are you talking about, his rebuttal to the presentation that we modify this particular agreement.

Chairman Hall: Ed's point.

Commissioner Ganley: Yes. Thank you.

Chairman Hall: Any other comments? It is important because it is the first thing people coming off the pike will see and right now it is vacant, there is no question about that, does not look very

attractive. If we end up with a gas station and some vacant buildings, is that going to be more attractive than what we have now, or do we leave it blank until such time as someone comes in and creates the whole package all at once. If we do just the first and second phase, when you go back for the hotel, don't they have to dig up part of either one or two in order to get back there and get utilities or whatever?

Michael Friesbie: As part of our plan what I mentioned about the infrastructure was to be able to put all of this in so that we would be ready to develop so the underground utilities, you know, the sewer, the water, electrical, everything will be in, that is what I would consider the infrastructure, so this would be almost a pad ready site except a few things, the developer, whoever comes in to build this hotel would have to do. Does that make sense? We are basically stubbing it out to that parcel. You wouldn't have to rip anything out to develop that property. They would just continue development, that's why it's a phase thing. You wouldn't have to start all over.

Ed Meehan: In my assessment, sitting down with the Town Engineer, I know that you don't have it in front of you now, but we got into like, east of the main road in, where the retail stores, the bank and the restaurant, we call that phase two, but we got into even what areas should be brought to a binder course, stubbed off, fire hydrant protection, so we were looking for the work beyond that to be bonded. So we have a pad ready site for a five or six thousand square foot restaurant, whoever it might be, the restaurant comes in, they get their building permits, they build it, they do the foundation plantings, finish paving it, and put your landscaping in. But from the point of putting the binder in and having it stabilized to the point of having a restaurant tenant could be a year, two years, and in the mean time we want, we're recommending to the Commission that we have bond surety. So that, Mr. Friesbie could sell this property. He could do his gas station, get his STC certificate, he could build his off site improvements which would be tough with just a gas station I would think, I don't know how you would do that.....

Michael Friesbie: Doesn't make sense.

Ed Meehan: Doesn't make sense, then he would have a very attractive commercial development site to phases two and three that he could sell, and whoever buys it would have to meet your plan unless they come back to the Commission and convince you to change it. It's not unrealistic to think that in two years that the economy is going to be such that this site is going to be on the radar scope again.

Commissioner Pane: And what is the harm of it if he sells it?

Ed Meehan: As long as we have protection at a point where it's up to a binder and stabilized, we have a surety bond that we would get for any development, there is no harm. We don't lose anything.

Commissioner Pane: The phase two, are you actually putting foundations in for the pad sites?

Michael Friesbie: No, we're just going to do the infrastructure which is the binder course.....

Commissioner Pane: You are stubbing utilities there and then just grading it off and putting the binder in around there?

Michael Friesbie: Yeah.

Ed Meehan: Would you be, I'm going to follow up on Domenic if I may, would you be blasting, so say you hit rock and you had to go down deep for putting in some foundations for a restaurant or

a bank, would you do all of that first? In other words, a guy comes in two years from now, you're not going to start blasting then, right?

Michael Friesbie: Is that a loaded question?

Ed Meehan: It's a loaded question.

Michael Friesbie: It is a loaded question because under our agreement with the Conservation Commission, we are not allowed to blast right now, so.....

Ed Meehan: Anywhere on the site, right?

Michael Friesbie: Correct. So there will be no blasting but the idea is to level off the front and phase one infrastructure is leveling off the front, so you can come in and construct those buildings. We need to bring this site up about, this side of the site about eight feet. The idea was to grade it down and bring this side up and use all of the material on the site. So the work that needs to be done is all in this area, to basically almost level out the site. There is going to be a grade change from here to here because the road naturally grades there. Right now, there is a fifty foot grade change, so when I talk about the infrastructure, I mean that site work needs to be completed just for us to put in the 9,000 square foot retail, parking adequate enough for that, as well as the balance of the almost two acre site.

Ed Meehan: That is basically a plateau down in that corner.

Michael Friesbie: Yeah, it grades actually down to the corner but right now it grades up.....

Commissioner Pane: Is there retaining walls in the front by the street there?

Michael Friesbie: There are no retaining walls, just a natural grade to slope down, but this, where this sits is roughly eight to nine feet above the road, so we are going to have a natural slope up and that is what is going to be landscaped, the Welcome to Newington sign that we agreed to put in, that kind of stuff, the infrastructure. You are not going to have a gas station here, a 9,000 square foot retail and then undeveloped land in the front with a big sign on it. That's not going to happen.

Chairman Hall: Nor a weed patch?

Michael Friesbie: Nor a weed patch.

Commissioner Ganley: Would it be possible, and this I think, to change this with legal action, to go back to the court and so on, would it be possible to get Ben in here, have a closed session, an executive session, go over some of the fine points and arrive with some specificity as to what we are really going to agree to, and say, this is what we are going to agree to and then go back to the petitioner and say, this is what we are going to go with. We have to go back to Ben anyway, I understand.

Ed Meehan: Yeah, I'm not sure you can do it in executive session, there is no litigation or anything with this, but it is something that you should do as part of an agenda, giving Ben fair warning and a chance to read this, he hasn't been in the loop on this. He can tell you, the procedures on it is where I think you want your Town Attorney involved. The substantive part of this your decision on the reordering of the site. Ben is not going to give you guidance on that, that's got to be your comfort level, but the procedures, how to make this happen, and how Mr. Friesbie's attorney and your attorney get it done properly and before the court and they ratify it.

Chairman Hall: I think the Commission needs to see the plan again, I think it's been a little bit of time, maybe there is a little bit of fogginess on just exactly what you want, not what you want but what was suggested.

Ed Meehan: I can provide that, and there was a critique, it was the third phase where the hotel area is left in its natural condition, that was the rebuttal that Mr. Friesbie brought back. That is the only different thing from what I gave you back on February 4th.

Commissioner Pane: Madam Chairman, is the Town Planner in agreement with the applicant to leave phase three in a total natural site?

Ed Meehan: I think I would like to see how the frontage of that affects the area of Russell Road. I'd have to see that a little bit better right now. I know the STC is going to require you to grant an easement over a corner of that site for Jensen Machine. There is a driveway that historically has been over part of this site.

Michael Friesbie: I have an easement agreement right here, it just needs to be signed off on, it's all documented and everything is ready to go and STC has a copy of it.

Ed Meehan: Well, let me go back to this blasting question, because I think you're going to encounter rock in either that hotel area or other parts. Your strategy then is go back to Conservation and address that with the Conservation Commission?

Michael Friesbie: If blasting is necessary.

Ed Meehan: If necessary. They had some pretty stringent requirements, particularly as near the site drive coming in, in that elevation area where.....

Michael Friesbie: It's more of a concern back in this area here than this driveway location.

Ed Meehan: So, I don't want to dodge your question, but I want to see how that easement works with that area over in that corner.

Michael Friesbie: Can we address that now? Talk about the easement with Jensen?

Ed Meehan: Yes.

Michael Friesbie: I mean, I have a copy of the plan that I can share with you. This area here is where their existing driveway is, it actually is on our property, and what we agreed to do, with the STC is to allow them to continue to use that, and grant them an easement over our property, because the way that their property is sloped, graded, it wouldn't be impossible, but it would cost them a lot of money to create a new driveway on the north side of Russell Road to get into their property, even though it's over our existing property, so we have agreed and have designed to allow for them to have the same driveway entrance.

Commissioner Pane: So, if I'm understanding this correctly, you are granting them the easement, but everything on that site is staying the way that it is. They are naturally using the driveway that is already on your property.

Michael Friesbie: Already paved on our property.

Commissioner Pane: Okay, so there are no changes at all. I would like to just state and I'm sure that the applicant is aware of my position and I am sure that this Commission is aware of my

position, I think that the, I think we should do whatever we can to try to help the applicant, try to get this site developed with the way that the economy is. I feel that the phase three should be left in a natural condition, there is no reason to dig it up and cause erosion. The other sites, I'd like to see the retail go up and the way that he stated it, I think that will be an asset to the Town. It will get him going, and hopefully I'm sure he is going to try to get some tenants in here. He's not going to spend all this money on road improvements and not look for tenants for this building and the pad sites and the pad sites don't necessarily have to be a bank or restaurant. They could be a pad site for any type of business. I think we should try to facilitate this sooner than later for the applicant. Thank you very much, Madam Chairman.

Chairman Hall: We also need to keep in mind that we were going to have a public hearing this evening on an adjacent piece and.....

Commissioner Pane: That has nothing to do with this applicant, Madam Chairman.

Chairman Hall: I understand that, but I'm just saying that tonight we were going to have some more information on that area.
Any other questions, comments?

Commissioner Pruett: Just a clarification, on phase two, that has to be signed off before a c.o. will be applicable to phase one for the gas station, am I correct in that thinking?

Ed Meehan: The proposed retail building would have to be completed through the roof, and I'll get you a copy of what I wrote, we got more into detail of what that means. We understand that he may not have a tenant, and the tenant space could be divided into three areas, or one area, so there has got to be some understanding on the façade treatment of the building, so that was one of the issues. The rest of it would be pad site ready, utilities in place, not connected, graded, drainage in place for phase two, binder course with all erosion control measures in place. You wouldn't need lighting in phase two at this point, but if you went for a c.o. for the retail store you'd have to bring it up to safety, as far as striped parking spaces, ADA lighting, the whole ten yards. We would sit with the Fire Marshal on that requirement.

Commissioner Pruett: Okay, that's what I thought. Thank you.

Commissioner Schatz: Is the petitioner comfortable with that type of thing.

Michael Friesbie: Yes. We have agreed with the comments that Ed made except for the last part about the developing of phase three portion of it. So what he recommends to the board, we are comfortable with except the last part about grading, the phase three portion of the project.

Commissioner Schatz: Okay, because if it's not, you have to tell us.

Michael Friesbie: The other thing, Ed made a comment about what it is going to look like on the Russell Road side, and I'm certainly willing to work with the town to do what is necessary to make it look nice. We don't want to, we've knocked down the buildings for one, including the house that was in the back there that nobody really knew was there until we started knocking it down.

Commissioner Schatz: I think we want to see the project go forward that's for sure, at least I do. Better than what we have.

Michael Friesbie: I like to make one last comment for the board and then I will address any questions that you might have, but quite frankly, the reason that I wanted to get on the agenda and come before you is that the window is closing. We have our funding for the project, we've

had our funding for over two years for the project. In this economic climate banks are not willing to fund these types of projects, they are actually calling back, and the longer we wait, the less chance we have for developing this property.

Commissioner Schatz: We should be able to expedite the thing, can't we?

Ed Meehan: Well he has some time to get through STC, probably thirty to forty-five days to meet their requirements. The town, through the local traffic authority will have input into the state's recommendations, that's myself and I speak for the Chief of Police and the Town Manager on that. One of the recommendations that I am going to make and it won't be a surprise to this Commission or Mr. Friesbie is that we talk about a shared traffic signal area. That is between developers, how they work that out with the opportunity for future economic development on the south side of East Cedar Street, should that occur in the future near Redan and Gospel Hall.

Michael Friesbie: Is the board privy to the letter that we have on file with regard to that?

Ed Meehan: Your letter?

Michael Friesbie: Yeah.

Ed Meehan: Yeah, it was handed out back in January.

Commissioner Pane: Why don't you update us on that?

Ed Meehan: It was basically, I can paraphrase it I think. The letter was that Hunter Development is willing to coordinate and cooperate with the placement of a road on their property, off their property, straddling the property with any adjacent property owner who will agree to it on a cost sharing basis.

Michael Friesbie: And the cost sharing basis was based on a pro-rata share of the number of trips generated, so if the property next door to us was to be residential, those number of trips would be a pro-rata shared based on those number of trips versus a thirty acre commercial development that would add a lot more traffic to that intersection, and we brought a copy of that letter to the STC so they know that we are willing to do that.

Commissioner Pane: Thank you.

Ed Meehan: I don't think it's, it's not the town's role to say how the formula is determined between the two private sector developers, other than the principal that we want to minimize curb cuts and ensure traffic safety because that was one of the first things that the stipulated agreement says, is traffic safety out there, so if we can reduce the curb cuts, provide good access to the north side and the south side of East Cedar Street, provide an attempt at future economic development, maybe get the driveway at Health-Trax closed some day, those left turns, that is part of the whole redevelopment of that area.

Michael Friesbie: I just want to make one more point based on what Mr. Meehan has said. There is a time line, he stated that yes, we have some time before we are able to get out STC approval, but there are other things that I could be doing to get ready, be prepared for when we get that, so that we can hit the ground running versus waiting for that type of approval so, there is time, there is money, but there are other things we could be doing to get ready. We could be re-bidding the project, we could doing some building design work that we are waiting to do, until we got some relief.

Chairman Hall: What I haven't heard from the Commission is your attitude toward changing this stipulated agreement. I think we have walked around it, we talked around it, but I haven't really gotten the feel from this Commission as to, we're going through the nuts and bolts of it, but as far as how you feel about changing the stipulated agreement.

Commissioner Schatz: Well, if the applicant is in agreement with the check list that Ed had there, I don't see why it can't be done, but I would like to see it done a little quicker.

Commissioner Pane: I agree, I agree with Commissioner Schatz, take care of this as soon as possible. The one difference is the back site there, leave it as a natural site, I don't see the harm in doing that, he's willing to landscape the front, get the sign in, so it's a nice attractive site, I mean that is only a benefit to him so that he can get, attract tenants into the place. Once they start building, then people should be able to see how it is going to look, and it should draw in some tenants, or sales. Like the applicant said, there is plenty of work that he can do to start things rolling so I think we should act as a Commission as soon as possible.

Commissioner Kornichuk: I'm going to go out on a limb now. I've been quiet through this whole procedure. I for one am not willing to change the stipulation. I was against the gas station from the very beginning, I feel like the gas station was rammed at us, nothing against you trying to make a living, but with the courts and everything, the gas station was forced on us, and back when I was on the board I made that perfectly clear, I don't like, I felt like I was backed into a corner by the courts to accept this gas station. So, I know that there are hard times and everything, but I still have that taste in my mouth where it was forced on us, to accept the gas station because the judge said we had to, because there wasn't enough saying why we didn't want the gas station, the safety features and everything, so I thought we kind of bent over a little bit to help Mr. Friesbie, with the granting of the gas station, where it was okay at the beginning, you know, where he said he had to have everything done, I can understand, well, there are hard times and everything but it's like we are getting stuck with just a gas station, and that was the thing that we didn't want on this Commission in the very beginning. We didn't want the gas station, and now it seems like we are going to have a retail building there which we don't know if they are going to rent, but we are getting the gas station before we get all the rest of the structures, so that's my reason I would never vote in favor of changing the package as it was in the beginning.

Chairman Hall: Thank you.

Michael Friesbie: Madam Chairman, may I have a chance to address that, please?

Chairman Hall: Yes.

Michael Friesbie: For the benefit of some of the board members who were not privy to our original site plan approval process, this property was zoned Industrial, and it was our interpretation of the by-laws that a gas station was an allowed use by right. It was left up to interpretation by others in the town but it was still our interpretation, we were going to move forward with the fact that it was an allowed use by right in the Industrial Zone. We worked very hard with the town to change the zone to meet the plan of the town to eliminate that Industrial Zone and we went through the whole approval process and approved everything on that plan including Special Permits for certain items on this plan and tried to develop a first class development and at the last minute, the gas station was pulled from us, and that was the reason that we needed to go back to the court, to try to protect my interest in the development, I'm trying to work with the town, I just want to make that clear.

Commissioner Ganley: Just that, you know, I applaud your position because I was under the impression that, and I still have an awful sinking feeling in stomach about us being stuck with a gas station. That is why I would like to see a little bit more work done as you go easterly on that parcel to not only make it more attractive, but do some more additional work with that building over there which may or may not be a restaurant. I'd like to see just a little bit more of a commitment to the development of the property than is presently being offered to us by the petitioner. We'll see how this whole thing works its way out.

Commissioner Pane: How much more of a commitment can this developer do? He's doing millions of dollars worth of road improvements, along with the gas station, a retail building and getting two pad sites ready. You know, the gas station was an approved use. Just because somebody doesn't want a gas station, if it's an approved use, we as a Commission can not deny a gas station. Whether you like a gas station or not like a gas station because of its location, if it's allowed use, in its zone, it's got to be allowed. I'm telling you, you guys are really something else. I'd be running for the door if I was this developer, he's got a lot of patience.

Commissioner Ganley: I wasn't opposed to a gas station per se, my objection, or my feeling was we would end up with solely just a gas station.

Commissioner Pane: It's not solely just a gas station.

Commissioner Ganley: I understand that, but we keep coming back to the gas station plus another kind of things to do with the property, but I'm just fearful, I'm just fearful and justifiably so that the end result is we may end up with a gas station. However, however, I want to see how the whole thing finally falls into place with the details and I may in fact vote for whatever the details look like if I'm happy, including the gas station.

Commissioner Pruet: I think we are in a position now where we have to move, it's been litigated, we've beat this around a lot, I understand that we are in a recession, hopefully it is going to turn around in a year or two, in the meantime, if we could go with the provisions that Ed mentioned, a compromise position, we're already dealt with the cards that we have to play, everything has been set in motion, my concern is with the State Traffic Commission, if they can certify that as a safe avenue approach, I'll be happy with that. I'll be happy with the commitment that phase one could be operated with the phase two of the plan development and with Mr. Frisbie making the connection for phase three of the hotel in place, I could go along with that under the conditions that Mr. Meehan proposed. So I can see that going forward.

Commissioner Camerota: I'm willing to keep an open mind and consider the amendments to the stipulation once everything is put together with Ed's initial comments and then the comments back from Mr. Friesbie and see if we feel comfortable as a Commission with moving forward with the project as proposed.

Chairman Hall: Okay, I think that gives us a little bit of direction. They want to be specific as to what your answer was, we know what your answer is, Mr. Friesbie and it's a question of setting it out and seeing if we can come to a meeting of the minds on this.

Ed Meehan: As I understand it, I will take what was prepared on February 4th and discussed with the Commission that evening, shared with Mr. Friesbie and his attorney and I will modify that to reflect phase three which is the hotel site area leaving it essentially in it's natural condition I guess is the way that we should phrase it. I'll revise this and get it to you for your next meeting, you guys want to move it fast, I can have it ready for you on Friday, but you are not going to meet as a body until the 7th.

Commissioner Pane: The only thing that you are changing on that is the leaving the phase three to a natural condition. Everything else this Commission is aware of and we've read, so if everybody is in agreement to that, why don't we just move it over to the lawyers, I mean, you are making one minor change, you're making a change that says that Phase Three is going to be left in a natural condition, with utilities just stubbed in to Phase Three. He is going to do Phase One, he's going to do Phase Two, as he stated, as we have all read, so and if we as a Commission are in agreement to that, along with an agreement to the Phase Three suggestion then Ed could make those changes and as a body we could act on it tonight, and move it to the Town Attorney.

Commissioner Camerota: I thought, the only one thing I thought that Ed wanted to comment on the effect of leaving Phase Three in a natural state on that Russell Road side, so we may want to get comments back on that and see if we need any additional language in that change in Phase Three.

Commissioner Pane: We discussed that and there was the easement which the applicant has presented or he has stated that he has the easement for the adjacent property owner and that easement does not make any changes, the property is staying in its natural state. It's just that the Russell Road, Jensen Machine I believe it is, is driving over a piece of existing property that is owned by the applicant but nothing is going to change physically on the property and he is going to grant an easement to that machine shop.

Chairman Hall: Well, I don't think the rest of us are comfortable voting on it tonight.

Commissioner Pane: We haven't heard from everybody, Madam Chairman, I mean, we have Commissioner Schatz, we have other Commissioners here, they haven't said anything.

Chairman Hall: They have Domenic, they have. They have let me know by their discussion that we would like to have at least one more time, one more shot at this so I would suggest that we do, we push this to April 7th, we don't vote on it tonight, and get a little bit more information.

Commissioner Pruett: Are you going to bring in Ancona for.....

Ed Meehan: If that is your, I can concurrently, you know we can do this in steps, I can concurrently refer it to Attorney Ancona so that you have his input on the 7th when you have this in front of you. I think that is a way of moving it a little bit faster.

Commissioner Pruett: Yeah, I think so. I would be happy with that.

Commissioner Schatz: Question, so the next meeting the Town Attorney will come in, will review what we have been talking about.....

Chairman Hall: Well, hopefully he will have this ahead of time, so that when he comes he has a proposal, not a proposal but some background for us.

Commissioner Schatz: Okay, so if we meet with him early.....

Ed Meehan: You have to do it as an agenda item under Old Business. There is no litigation here.

Commissioner Schatz: Oh, okay. But after the attorney, it still has to go back to the court?

Ed Meehan: Yeah, I think on April 7th, if there is consensus that this body, with the input of your Town Attorney wants to change this then Ben Ancona and Mr. Friesbie's attorney make the

appointment to see Judge Levine, or whoever is assigned to this. Judge Levine, or his court was the one that approved the agreement. They take it over there, they walk it over there, sit down with the judge and say, the town and the applicant have modified the consent order.

Commissioner Ganley: And our town attorney was here when the decision was made.

Ed Meehan: He will get the benefit of your discussion. I think if I can refer it to Ben coincidental with getting this cleaned up for you it will save a couple of weeks.

Commissioner Schatz: One question, of the applicant, that make you happy?

Michael Friesbie: Well, is it fair to say that the board, the majority of the board is in agreement with the overall plan with that minor modification, that the attorney has to review and bless or if there are any major issues outside of the fact that there is a gas station approved, I'd like to address those tonight, so I don't come back on April 7th and have a vote and get denied when we could be doing other things.

Chairman Hall: Well I don't think we.....

Michael Friesbie: I know I'm not calling for a vote, I want to leave this meeting with the understanding that I have answered all the questions that I need to answer so that we are not going to have another hour discussion with the Town Attorney who is really worried about procedure, not worried about content.

Chairman Hall: Right, but you also have to understand that again, some of the people sat on that judgment which was long thought out and actually decided by the court and now you are coming back and asking for a change on that. That is a big decision for people to make. There are a lot of reasons why they can make it, there are a lot of reasons why they don't want to make it, so that is what we have to come to a consensus on, as a board, where do we finally end up and so therefore we are proceeding slowly which may not be everybody's wish, but I think the slower we are, the more definite decision we are going to make and hopefully the right decision.

Commissioner Pane: Madam Chairman, just a little statement. It was decided by a judge because the Commission probably acted illegally. Okay? Thank you.

Chairman Hall: Well, that is ancient history, at this point we don't want to do something that can end up in court for the wrong reason. I think that is where we are at this point.

Ed Meehan: Old Business on the 7th, and I'll have everything ready for you and Mr. Ancona and I will get copies to Mr. Friesbie so you can decide.

- B. Petition 03-09 – Proposed Zone Regulation amendment, Section 3.2.1 churches and places of worship. Permitted in all zone districts by Special Exception. Request to add the following: Places of worship when permitted by special exception be allowed to have residential quarters (for a family.) Area of such quarters not to exceed 2000 sq. ft. All such uses must be included within a building or accessory to the permitted principal use, Nikhil Vyas, PE, VB Tech Corporation, 2049 Silas Deane Highway, Suite 1E, Rocky Hill, CT 06067, applicant. Hearing closed March 11, 2009; Sixty-five day decision period ends May 15, 2009.**

Commissioner Schatz moved that Petition 03-09 – Proposed Zone Regulation amendment, Section 3.2.1 churches and places of worship, permitted in all zone districts by Special Exception. Request to add the following: *Places of worship when permitted by special exception be allowed to have residential quarters (for a family.) Area of such quarters not to exceed 2000 sq. ft. All such uses must be included within a building or accessory to the permitted principal use,* Nikhil Vyas, PE, VB Tech Corporation, 2049 Silas Deane Highway, Suite 1E, Rocky Hill, CT 06067, applicant. Hearing closed March 11, 2009, be postponed to April 7, 2009.

The motion was seconded by Commissioner Ganley.

Chairman Hall: We haven't really discussed this as a group, so I would like to open this for discussion now so that again, coming back on April 7th, we will have a good idea as to where we stand on that. They have come before and asked for this to be placed into the regulations because we don't have anything in our regulations to address this.

Commissioner Ganley: The highlighted in black, is that the actual language that would be placed in?

Ed Meehan: That is the petitioner's language that would be placed in the zoning regulations.

Commissioner Ganley: Okay, does that language make sense as relates to placement in our regulations?

Ed Meehan: Yes, that is the proper section.

Chairman Hall: And it's by Special Exception, not a given. Essentially in town right now we have several houses of worship with accessory buildings so if they came to us and wanted to expand it, wanted to change it in any way, we wouldn't even be able to deal with that, because there is nothing in our regulations that allows it. So by putting this into the regulations it at least gives us something to work with. So that if we have any petition, whether it be this one that we are aware of coming now, or somebody in the future, we have something to work with.

Commissioner Pruett: Basically this is saying, having it internally inside that building, am I correct, because the rest of the places of worship have adjacent residential.....

Chairman Hall: Or accessory to the permitted, so it could be a separate accessory, it also, in this particular wording includes within a building, so that again, by Special Exception they would have to come, present the plan, let us know what they expect to do, and then decide whether or not we think that fits into the situation.

Commissioner Pruett: It sounds like it cleans it up.

Chairman Hall: Well, it also creates it, because at this point we don't have anything, yet in town we can go in almost any section in town and cite something that is doing this. So, and we have absolutely nothing to base that on.

Commissioner Ganley: I like the Special Exception piece to it because it would prevent, when we are looking at somebody's site plan from putting a cot in the back with a microwave and saying, it's now my residence. So that Special Exception gives us an out if you will.

Chairman Hall: They still have to come and give us the plans, let us know what they are going to be doing. Anybody have any other discussion on this?

The vote was unanimously in favor of the motion with six voting YES.

Commissioner Kornichuk recused himself from PETITION 05-09.

Chairman Hall: Now this next section, we have two proposed amendments for this, and please read them ahead of time so that we know what is what so that when you vote on one you know which one of them you want to vote for. One of them essentially keeps it from five acres to two acres and the other one also provides an option to reduce it to not less than 1.5 when approved by a two thirds vote of the Commission. I'm going to give you a little minute to read this, and then Domenic, you will start with Option A.

Commissioner Pane: I'm going to read the motion that I want to read.

Chairman Hall: Well, I'd like you to start with Option A.

Commissioner Pane: I'm not going to read Option A, because I don't want to read Option A. I'm choosing Option B, and the Commission can vote on it. They can vote it up or down Madam Chairman, that's how it's done.

Chairman Hall: Thank you Domenic.

Commissioner Pane: Or you can read it or somebody else can read it Madam Chairman.

Chairman Hall: All right, David, we'll have you start with A, and then we will go to B.

Commissioner Pane: Option A or B means that you can choose Madam Chairman.

C. PETITION 05-09 – Newington Town Plan and Zoning Commission, 131 Cedar Street, Newington, CT 06111 Attention Edmund J. Meehan, Town Planner, Zone Regulation Section 3.7.2 Housing for the Seniors and Service Use Buildings proposed amendment to change minimum parcel size from 5 acres to 2 acres and add senior housing “sponsored by the Newington Housing Authority, non-profit or limited profit developer”. Hearing closed March 11, 2009; sixty-five day decision period ends May 15, 2009.

Commissioner Pruett moved that Newington Town Plan and Zoning Commission, 131 Cedar Street, Newington, CT 06111 Attention Edmund J. Meehan, Town Planner, Zone Regulation Section 3.7.2 Housing for the Seniors and Service Use Buildings proposed amendment to change minimum parcel size from 5 acres to 2 acres and add senior housing “sponsored by the Newington Housing Authority, non-profit or limited profit developer” be approved without adding to Subsection (c) (3) Standards the option to reduce parcel sizes to not less than 1.5 acres the Commission finding that additional information on the potential number and location of such properties should be determined before adopting this standard.

Reasons

1. The Commission finds that adopting the lower minimum parcel size to not less than two acres increases the potential number eligible sites list.
2. The Commission finds that limiting the sponsorship of age restricted senior housing to the Newington Housing Authority, non profit or limited profit developer assures that such housing will be affordable for those seniors most in need.

3. This amendment is consistent with and furthers the Plan of Conservation and Development's Housing Component strategy to increase the supply of affordable housing for elderly residents.

The effective date of this amendment shall be March 31, 2009. The motion was seconded by Commissioner Ganley

Commissioner Ganley: The reason that I am seconding it is so that we can have a discussion and then decide on the record whether we are going to vote for Option A or Option B.

Chairman Hall: Discussion?

Commissioner Schatz: As before the Town Planner said that we have areas right now that are senior citizen housing that are no more than two acres anyway, right now, so if we, this is, I'm trying to get it so that it comes out right, say, we voted the second motion if it's read, I think with having these other sites at two acres or less would open us up to the courts again. They could come in and cite that they have them already, so why can't we have them. It might give somebody a chance to go into court. I don't have a problem personally with this.

Chairman Hall: This is the one for reducing it from five to two.

Commissioner Schatz: Yes.

Chairman Hall: The next one is for reducing it even more, so this is the two, and this says without adding the option to reduce parcel size. So this would be, it would have to be a minimum of two acres to be considered.

Commissioner Schatz: Okay, I assumed one was small and one was large.

Chairman Hall: No, see, that's why I kind of wanted you to review them.

Commissioner Schatz: Thank you.

Chairman Hall: So Option A reduces our current five to two, so if that is the way that you want to go, then you would vote yes on this. Option B does not remove and it provides the option to reduce the parcels to not less than 1.5 acres, so it is even more of a reduction. Any more discussion?

The vote was in favor of the motion after a roll call vote with four voting YES and one nay (Pane)

Commissioner Pane: You didn't seat Michelle for this?

Chairman Hall: Pardon me?

Commissioner Pane: You didn't seat Michelle for Peter?

Chairman Hall: I didn't.

Commissioner Pane: That's not really right Madam Chairman. You really have to figure out what you are doing. That's not fair to Michelle, or the Commission.

Commissioner Schatz: I didn't know that we had two chairman.

Chairman Hall: Let's not escalate this any more than it is. Option B, shall we read it for the record?

Ed Meehan: Option B is a moot point, you already passed Option A.

Commissioner Kornichuk returned to the table.

VIII. PETITIONS FOR SCHEDULING (TPZ *Tuesday, April 7, 2009 and April 22, 2009.*)

A. Plan of Conservation and Development

Ed Meehan: You will have the continuation of the Toll Brothers Public hearing, we have a special exception petition for a sign application associated with the project next to Wendy's, which will require a public hearing, a continuation of Hunter Development under Old Business and you may have a site plan ready for presentation, it doesn't involve any inland wetlands so it might be coming before the Commission for the project on North Mountain Road. We've been meeting with the engineer on that, that's the way that it shapes up right now.

We're talking with some engineering firms and land surveyors on a couple of projects that are starting to perk. They are not really big projects, one on Pane Road, the one I just mentioned on North Mountain Road, another one over on Costello Road, so there are some things, some property owners in town have anticipated doing, this is a good time, prices are right, they are getting their plans ready.

Commissioner Pruett: A clarification, on this Hunter Development, they have to appear before the Conservation Commission, is that.....

Ed Meehan: Well, apparently their strategy will be subsequent to this stipulated agreement, if it is changed, and if they anticipate that they have to blast, I understand that the Wetlands Agency requires that they go back to the Agency to talk about a blasting permit, as to the impact on that one section, the northwest corner of the site, I'll call it a perched water table, sits above the high part of the site, there was concern that blasting could cause some harm to that wetlands. If they can show that it doesn't cause harm to the wetlands then they have to demonstrate that to the Conservation Commission.

Commissioner Pruett: I can't see them going forward without blasting.

Ed Meehan: They did a lot of borings out there, so they know more than I do about the characteristics of the site, but it's a fairly rocky site.

**IX. PUBLIC PARTICIPATION
(For items not listed on agenda)**

Jeff Zelik, 55 Welles Drive, N.: Okay, so that is interesting. We started the meeting and the agenda says Public Participation relative to Items not Listed on the Agenda and then we are also closing asking the public to participate on items not listed on the agenda, so when is the public allowed to participate on items that are on the agenda?

Chairman Hall: Public Hearing, so that when we have items on public hearing, that is when the public is allowed to speak. We continued our Public Hearing, we did not have the public hearing this evening. We will have that on the 7th of April, so if that is what you wish to speak on, you can come back on the 7th, and you will have a chance to speak.

Jeff Zelik: I actually just wanted to make some comments on the Plan of Conservation and Development. I don't know if I can speak about that, it's on the agenda, so I'm kind of puzzled.

Chairman Hall: We will have a public hearing on that, it's not at this time, it's just in the beginning phases. By the time we get to the public hearing section, you will be able to come back and speak.

Jeff Zelik: All right, for what it's worth, I'll try to get it out now because I'm here and I don't know if I will be back, but I did have an opportunity to talk with Mr. Chalder who did the presentation, and he was showing you the land use map for Newington, and the information that he has on that map was provided by the Town, it's not information that he put together for you. One particular piece of land that I would like you to consider as not being vacant land is this piece of property at the top of the mountain, where we have the ridge line, the vista up there, there is the greenway, the walking trails so there is a lot of public use of that land but for some reason, it is appearing as vacant property on your land use map. So for your plans, going forward I would ask you to consider that as green space.

Chairman Hall: Is there anything else you wish to speak on tonight?

Jeff Zelik: Well, I did have some comments on that Hunter.

Chairman Hall: That again will be on the 7th.
Anyone else from the public wishing to speak on items not listed on the agenda.

X. REMARKS BY COMMISSIONERS

None.

XI. STAFF REPORT

Ed Meehan: Peter called to my attention this parking on Robbins, if you go by. Someone took it upon themselves to remove the area between the back of curb and the sidewalk and put maybe twenty or thirty feet of processed stone and are parking in the town right of way.

Chairman Hall: Where is that, on East Robbins?

Ed Meehan: 441 Robbins Avenue, just before you get to the bend. The Town Engineer has been in contact with the property owner as has the zoning enforcement officer. They had the impression they owned right to the curb, so they claimed.

Chairman Hall: Is that the house that is for sale, because there is a lot of junk outside that.

Commissioner Kornichuk: No, it's the second or third house from the end of Robbins Avenue, it's almost directly across from Golf.

Chairman Hall: On the south side.

Commissioner Kornichuk: It's on the left hand side, you can't miss it, let me just put it to you like that.

Commissioner Ganley: Where that store front is?

Commissioner Kornichuk: Nope, it's beyond that.

Commissioner Schatz: During the winter time, before the stone was down, they used to back out and turn around there, it's soft, they put ridges in there. That's what I observed during the, and I was wondering, how are they going to straighten that out once they regrade it.

Ed Meehan: It's not the first time it's happened, they'll just have to take it out and resod it.

Commissioner Kornichuk: I'm sorry, I spaced out through Remarks by Commissioners, has anybody looked at that place on Wilson Avenue?

Ed Meehan: Yes, the Quonset, that green, yes.

Commissioner Ganley: And all the junk in the adjacent yard.

Ed Meehan: There's a lot of windows, looks like, it doesn't come under zoning, it may be junk, but it doesn't come under zoning.

XII. ADJOURNMENT

Commissioner Kornichuk moved to adjourn the meeting. The motion was seconded by Commissioner Ganley. The meeting was adjourned at 8:52 p.m.

Respectfully submitted,

Norine Addis,
Recording Secretary.